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| 09/765,092 | 01/17/2001 | Alberto Bellotti | 1033-2 | 6127 |

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| EXAMINER |
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DATE MAILED: 12/29/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

PTO-90C (Rev. 10/03)

-- *The MAILING DATE of this communication appears on the cover sheet with the correspondence address* --

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

1)☒ Responsive to communication(s) filed on _06 October 2005_.

2a)☐ This action is **FINAL**.     2b)☒ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

4)☒ Claim(s) _1-59_ is/are pending in the application.

    4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) _1-59_ is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

**Application Papers**

9)☐ The specification is objected to by the Examiner.

10)☐ The drawing(s) filed on _____ is/are: a)☐ accepted or b)☐ objected to by the Examiner.

    Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

    Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

12)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

    a)☐ All   b)☐ Some * c)☐ None of:

      1.☐ Certified copies of the priority documents have been received.

      2.☐ Certified copies of the priority documents have been received in Application No. _____.

      3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

    * See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

1)☒ Notice of References Cited (PTO-892)

2)☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)

3)☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____.

4)☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____.

5)☐ Notice of Informal Patent Application (PTO-152)

6)☐ Other: _____.

## RESPONSE TO REQUEST FOR CONTINUED EXAMINATION (RCE)

1.      Claims 1-59 remain for further examination.

### The new grounds of rejection

2.      Applicants' arguments and amendments with respect to claims 1-59 and request

for continued examination (RCE) filed on October 06, 2005 have been fully considered

but they are deemed to be moot in view of the new grounds of rejection.

### Drawings

3.      This application has been filed with informal drawings, which are acceptable for

examination purposes only.  Formal drawings will be required when the application is

allowed.

### Claim Rejections - 35 USC § 112

4.      The following is a quotation of the second paragraph of 35 U.S.C. 112:
The specification shall conclude with one or more claims particularly pointing out and
distinctly claiming the subject matter, which the applicant regards as his invention.

5.      Claims 1-45 are rejected under 35 U.S.C. 112, second paragraph, as being

indefinite for failing to particularly point out and distinctly claim the subject matter which

applicant regards as the invention.

Claims 1 and 14 recite the limitations "automatically ranking and

switching/selecting the communication modes" and "the communication modes being

user selectable" which are controversies to each other, unclear about the claimed

functionality, and make claim indefinite.

Other dependent claims, which are not specifically cited above are also rejected

because of the deficiencies of their respective parent claims.

## Claim Rejections - 35 USC § 103(a)

6.     The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

This application currently names joint inventors. In considering patentability of the claims under 35 U.S.C. 103(a), the examiner presumes that the subject matter of the various claims was commonly owned at the time any inventions covered therein were made absent any evidence to the contrary. Applicant is advised of the obligation under 37 CFR 1.56 to point out the inventor and invention dates of each claim that was not commonly owned at the time a later invention was made in order for the examiner to consider the applicability of 35 U.S.C. 103(c) and potential 35 U.S.C. 102(f) or (g) prior art under 35 U.S.C. 103(a).

7.     *Claims 1-59 are rejected under 35 U.S.C. 103(a) as being unpatentable over Srinivasan (U.S. Patent No. 6,717,936) in view of Parker (U.S. Patent No. 6,603,755) and Segur (U.S. Patent No. 6,212,550).*

8.     As to claim 1, Srinivasan discloses a computer communication system for communicating among users on an electronic communication network (see abstract; and figures 1-3s) comprising: a communication server (figure 1; and column 3 line 55 to column 4 line 26); a plurality of user accessible stations connected to the network (figures 3a-3b; and column 4 lines 49-58); application software configured to effect transfer of communication between the stations and the communication server (figure 2; column 4 lines 27-48; column 4 line 59 to column 5 line 3; and column 8 lines 29-34); and the application software further including a graphic user interface for indicating communication transfer to at least one of the station (figure 1; and column 3 lines 55-

67), and the application software further permitting selective communication modes, the

selective communication modes being user selectable through the graphic user

interface (figures 5-6; column 5 line 31 to column 6 line 20; and column 8 lines 35-47).

However, Srinivasan does not disclose that the application software further

configured to establish a profile for each of the users communication modes and

permitting automatic ranking and switching/selecting the communication modes.

Parker discloses a computer communication system for communicating among

users on an electronic communication network (see abstract; figures 1-3; column 1 lines

38-62; and column 4 line 57 to column 41) comprising: application software configured

to establish a profile for each of the users communication modes (figures 5-6 and 8-9;

column 6 lines 8-36; and columns 7-8) and permitting automatic ranking and

switching/selecting the communication modes (figures 7-10s; and columns 7-10).

It would have been obvious to one of ordinary skill in the art at the time the

invention was made to incorporate the teaching of Parker as stated above with the

computer communication system for communicating among users on an electronic

communication network of Srinivasan because it would have improved the user

accessible station (terminal), methods, and computer program product that can improve

communication modes selection process in a multi-mode environment.

However, Srinivasan does not disclose that the application software further

configured to selectively transfer a plurality of messages to one of the stations to at

least one of a plurality of users.

Segur discloses a computer communication system for communicating among
users on an electronic communication network (see abstract; figure 1; and column 1 line
58 to column 2 line 26) comprising: application software configured to effect transfer of
communication between the stations and a communication server (figure 2; and column
2 lines 27-55), and the application software further configured to selectively transfer a
plurality of messages to one of the stations to at least one of a plurality of users (figures
4-6; and column 3 lines 3-65).

It would have been obvious to one of ordinary skill in the art at the time the
invention was made to incorporate the teaching of Segur as stated above with the
computer communication system for communicating among users on an electronic
communication network of Srinivasan because it would have improved the network
latency by redirecting the transmission counts and time and increased the utilization of
the server to improve the message transmission efficiency.


9.      As to claim 2, Srinivasan discloses that the communication modes include text,
audio, video, voice and combinations thereof (column 4 line 59 to column 5 line 8).


10.     As to claim 3, Srinivasan suggests that a server/processor apply the necessary
conversion of data from the system user to the PSTN to establish normal voice
communication (column 6 lines 10-20).

However, Srinivasan does not explicitly disclose that the application software
includes text-to-speech conversion capabilities.

Segur explicitly discloses that the application software includes text-to-speech

conversion capabilities (figures 3 and 6; column 2 line 56 to column 3 line 2; and column

3 lines 55-65).

It would have been obvious to one of ordinary skill in the art at the time the

invention was made to incorporate the teaching of Segur as stated above with the

computer communication system for communicating among users on an electronic

communication network of Srinivasan because it would have centralized the multi-

format communications and increased the utilization of the server to bring order to the

chaos of potential message sources.


11.     As to claim 4, Srinivasan discloses that each station supports two-way text,

audio, video and voice communication and combinations (column 3 lines 55-67; and

column 4 lines 36-48).


12.     As to claims 5-6, Srinivasan discloses that the application software is configured

to identify users accessing the stations (column 5 line 54 to column 7 line 22) and

permit specific user access at each of the plurality of stations (column 7 lines 33-51).


13.     As to claim 7, Srinivasan discloses that the communication server connected to

the plurality of stations (figures 1-3).

14.     As to claims 8-9, Srinivasan discloses that the application software includes

server-based software configured to effect communication between the plurality of

stations and the communication serve; and operative to effect communication among

the plurality of stations (figures 1-3; and column 4 line 27 to column 5 line 16).


15.     As to claim 10, Srinivasan discloses that the application software includes

station-based software configured to effect communication directly between the plurality

of stations (column 5 line 54 to column 6 line 9).


16.     As to claim 11, Srinivasan discloses that the station-based software is user

configurable (figure 5; and column 5 lines 31-53).


17.     As to claims 12-13, Srinivasan discloses that the station-based software includes

message indicating capability for providing an indication at the station of receipt of the

communication; and wherein the message indicating capability includes graphic and

audio indications and combinations (column 6 line 20 to column 7 line 22).


18.     As to claims 14-16, they are also rejected for the same reasons set forth to

rejecting claims 1-4 above, since claims 14-16 are merely a method of operation for the

apparatus defined in the claims 1-4.

19.     As to claims 17-18, Srinivasan teaches that selecting one or more the users of

the network to whom communication is desired; and selecting one or more the stations

to which communication is desired (figure 5; and column 5 lines 31-53).

20.     As to claims 19-20, Srinivasan teaches that the transferring step includes:

entering the communication data at one of the plurality of stations; and selecting the one

or more the users of the network to whom communication is desired and also selecting

one or more the stations to which communication is desired (figures 5-6; and column 5

line 31 to column 7 line 22).

21.     As to claims 21-28, Srinivasan does not explicitly disclose the claimed limitations

of the claims 21-25.

        Segur explicitly discloses that the application software is configured to display the

currently stored total number and type of messages for each user of the system from

any user accessible station; dynamically display messages in one of a plurality of visual

modes (figure 4; and column 3 lines 3-23); dynamically track and display user log-on

and log-out status from any of the user accessible stations independent of the

communications server; define, store and distribute custom standardized messages for

transmission from any of the user accessible stations; and automatically construct and

transmit custom messages to any one of a plurality of user accessible stations upon the

occurrence of a predetermined event (figures 5-6; and column 3 lines 24-65).

It would have been obvious to one of ordinary skill in the art at the time the invention was made to incorporate the teaching of Segur as stated above with the computer communication system for communicating among users on an electronic communication network of Srinivasan because it would have centralized the multi-format communications and increased the utilization of the server to bring order to the chaos of potential message sources.

22.     As to claims 26-28, Srinivasan does not explicitly disclose the claimed limitations of the claims 26-28.

Segur explicitly discloses that the application software is configured to transmit and display a message to at least one of a plurality of display ports of the application software, wherein the plurality of display ports include a message receiving window and a message scrolling banner (figure 4; and column 3 lines 3-23).

It would have been obvious to one of ordinary skill in the art at the time the invention was made to incorporate the teaching of Segur as stated above with the computer communication system for communicating among users on an electronic communication network of Srinivasan because it would have centralized the multi-format communications and increased the utilization of the server to bring order to the chaos of potential message sources.

23.     As to claims 29-35, Srinivasan discloses that the application software is

configured to define and identify the user accessible stations into groups based upon

predetermined criteria, wherein the predetermined criteria include physical location and

departmental ownership (figure 4; and column 5 lines 11-30); graphically represent the

organizational and physical location of the user accessible stations; direct messages to

one or more user accessible stations within the groups and a plurality of the user

accessible stations based upon more than one group identity (figures 4-6; and column 5

line 11 to column 7 line 22); and dynamically modify the group status of the user

accessible stations (figure 7; and column 7 lines 33-51).


24.     As to claims 36-38, Srinivasan does not explicitly disclose the claimed limitations

of the claims 36-38.

        Segur explicitly discloses that the application software is configured to

dynamically track the users log-in status for all of the user accessible stations within the

computer system; allow a message recipient to acknowledge a received message from

the receiving message window and the message-scrolling banner (figures 4-6; and

column 3 lines 3-65).

        It would have been obvious to one of ordinary skill in the art at the time the

invention was made to incorporate the teaching of Segur as stated above with the

computer communication system for communicating among users on an electronic

communication network of Srinivasan because it would have centralized the multi-

format communications and increased the utilization of the server to bring order to the

chaos of potential message sources.


25.     As to claims 39-45, Srinivasan does not explicitly disclose the claimed limitations

of the claims 39-45.

Segur explicitly discloses that the application software is configured to assign

predetermined properties to a messages before transmitting the message, wherein the

predetermined properties control how a message is routed, stored, displayed,

acknowledged, reply, and deleted (figures 2-6; and column 2 line 27 to column 3 line

65).

It would have been obvious to one of ordinary skill in the art at the time the

invention was made to incorporate the teaching of Segur as stated above with the

computer communication system for communicating among users on an electronic

communication network of Srinivasan because it would have centralized the multi-

format communications and increased the utilization of the server to bring order to the

chaos of potential message sources.


26.     As to claims 46-47, it is also rejected for the same reasons set forth to rejecting

claim 1 above. Additionally, Srinivasan discloses that the application software can run

as a client, a server or both from any of the user accessible stations (figures 1-3s and 5;

column 3 line 55 to column 5 line 8; and column 5 lines 31-53).

However, Srinivasan does not disclose that the application software is configured

to allows any of the user accessible stations to dynamically accept the functionality of a

communication server

Segur explicitly discloses that the application software is configured to allow any

of the user accessible stations to dynamically accept the functionality of a

communication server (figures 1-2; and column 1 line 66 to column 2 line 55).

It would have been obvious to one of ordinary skill in the art at the time the

invention was made to incorporate the teaching of Segur as stated above with the

computer communication system for communicating among users on an electronic

communication network of Srinivasan because it would have increased the data access

efficiency and improved the user control to access the server and another user

accessible stations.

27.    As to claims 48-59, they are also rejected for the same reasons set forth to

rejecting claims 2-13 above.


## Response to Arguments

28.    Applicant's arguments have been fully considered.  The examiner has attempted

to answer (response) to the remarks (arguments) in the body of the Office action.

## Additional References

29. The examiner as of general interest cites the following references.

    a.    Aktas et al, U.S. Patent No. 6,459,776

    b.    Bruno et al, U.S. Patent No. 6,356,533.

## Contact Information

30. Any inquiry concerning this communication or earlier communications from the examiner should be directed to **Bharat Barot** whose Telephone Number is **(571) 272-3979**. The examiner can normally be reached on Monday-Friday from 9:30 AM to 6:00 PM. Most facsimile-transmitted patent application related correspondence is required to be sent to the Central FAX Number **(571) 273-8300**.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, **Saleh Najjar**, can be reached at **(571) 272-4006**.

Patent Examiner Bharat Barot

**BHARAT BAROT**
PRIMARY EXAMINER

Art Unit 2155

December 23, 2005